IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE G. BIKSHAPATHY**

**&**
**THE HON'BLE MR JUSTICE P.S.NARAYANA**

**WRIT PETITION NO : 21075 of 2004**

Between:

R. Rama Rao, O/o the Executive Engineer, Velugonda Project Division, Markapur, Prakasam District (Now being transferred).

**..... PETITIONER**

AND

1 The Project Administrator & Superintending Engineer, Velugonda Project Circle, Ongole.
2 The Executive Engineer, Velugonda Project Division, Markapur,Prakasam District.
3 R.D.Prakash, O/o the Executive Engineer, Velugonda Project Division, Udayagiri, Nellore District (Now being transferred).

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ more in the nature of a writ of Certiorari calling for the records pertaining to O.A.No. 4693/04 dated 12th October 2004 on the file of the A.P. Administrative Tribunal and quash the same and set aside the orders of the Superintending Engineer, VGPC, Ongole in his proceedings No. SE/VGP/S2/SA.4/554M, dated 24-7-2004.

**Counsel for the Petitioner:MR.CH.SAMSON BABU**

**Counsel for the Respondent No.: GP FOR IRRIGATION & COMMAND AREA DEVELOPMENT.**

**The Court made the following :**

**O R D E R:** (PER GB.J)

1) This writ petition is filed assailing the order of the Andhra Pradesh Administrative Tribunal in O.A.No.4693 of 2004, dated 12.10.2004 and to quash the same.

2) It is the case of the petitioner that he was initially appointed as Typist in the office of the Executive Engineer, Markapur, Prakasam District. By the impugned order, dated 24.07.2004, in order to accommodate the 3rd respondent, the 1st respondent-Project Administrator & Superintending Engineer, Velugonda Project Circle, Ongole, transferred the petitioner from Markapur Division and posted him to Velugonda Project Circle, Ongole. Aggrieved by the same, he preferred O.A.No.4693 of 2004 before the Tribunal. The said O.A. filed by the petitioner was dismissed by the Tribunal, by order, dated 12.10.2004, holding that the transfer order has been passed by the respondent officials on administrative grounds and there is no illegality in the transfer proceedings issued by the 1st respondent. Aggrieved by the same, this writ petition is filed.

3) The learned counsel for the petitioner submits that the transfer is effected only to accommodate the 3rd respondent and such a transfer is not permissible for the

reason that the transfer order issued by the 1st respondent is not made on administrative grounds. The learned counsel further submits that as the 3rd respondent did not possess the required qualifications for the post of Typist, the very appointment and transfer is illegal and contrary to law.

4) Heard the learned counsel for the respondents and also the learned Government Pleader.

5 ) As can be seen from the material available on record, we find that the said transfer order was made in order to accommodate the 3rd respondent. It is also seen that nowhere in the transfer order it is stated that the transfer of the petitioner was made on administrative grounds.

6 ) In those circumstances, we think it just and proper to direct the 1st respondent to pass appropriate orders within a period of three weeks from the date of receipt of a copy of this order. The 3rd respondent, who is said to be continuing as Typist at Markapur, shall continue at Markapur, subject to the order that may be passed by the authorities as directed by this Court.

7) The writ petition is accordingly allowed. No costs.

_____

G.BIKSHAPATHY.J.,

_____

P.S.NARAYANA.J.,

DT.29.12.2004

c.c.in three days

B/o

tjs

To

1 The Project Administrator & Superintending Engineer, Velugonda Project Circle, Ongole.
2 The Executive Engineer, Velugonda Project Division, Markapur, Prakasam District.
3 R.D.Prakash, O/o the Executive Engineer, Velugonda Project Division, Udayagiri, Nellore District (Now being transferred).

4 CCs to the G.P. for Irrigation & Command Area Development, High Court of A.P., Hyderabad (OUT)

5 2CD copies

6) One C.C. to Mr.Ch.Samson Babu, Advocate

7) One C.C. to Mr.C.AR.Seshagiri Rao, Advocate.